

- (1) mistake, inadvertence, surprise, or excusable neglect;
- (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);
- (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;
- (4) the judgment is void;
- (5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or
- (6) any other reason that justifies relief.

Fed. R. Civ. P. 60(b).

In his motion, Petitioner merely reargues the contentions pressed in his Section 2255 motion. The Court finds no reason to reexamine its ruling on Petitioner's claims as set forth in his Section 2255 motion. Petitioner's motion for reconsideration will therefore be denied.

IT IS, THEREFORE, ORDERED that Petitioner's Motion for Reconsideration is **DENIED**. (Doc. No. 4).

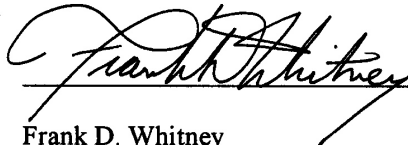
IT IS FURTHER ORDERED that pursuant to Rule 11(a) of the Rules Governing Section 2255 Cases, the Court declines to issue a certificate of appealability as Petitioner has not made a substantial showing of a denial of a constitutional right. 28 U.S.C. § 2253(c)(2); Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003) (in order to satisfy § 2253(c), a petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong); Slack v. McDaniel, 529 U.S. 474, 484 (2000) (holding that when relief is denied on procedural grounds, a petitioner must establish both that the correctness of the dispositive procedural ruling is debatable, and that the petition states a debatably valid claim of the denial of a constitutional right).

IT IS FURTHER ORDERED that the Clerk of Court shall docket Petitioner's Motion for Reconsideration as a Notice of Appeal from the Court's Order Denying Relief in his Section 2255 proceeding. (Doc. No. 4).

The Clerk of Court is DIRECTED to send a copy of this Order to the United States Attorney.

SO ORDERED.

Signed: November 27, 2012


Frank D. Whitney
United States District Judge

